

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROSE JOHNSON, individually and as
the Personal Representative of the
ESTATE OF RYAN M. SMITH, on
behalf of MARK SMITH, KAHLLENA
A. SMITH, LUKE-MICAH JOHNSON,
JALONE JOHNSON, and ROSE
JOHNSON,

C22-0609 TSZ

MINUTE ORDER

CITY OF SEATTLE, et al.,

Defendants.

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) Defendants' motion to compel release of four (4) cell phones from the Seattle Police Department evidence room for purposes of forensic investigation, docket no. 55, is DENIED without prejudice for failure to satisfy the requirements of Federal Rule of Civil Procedure 26(b)(1) by articulating appropriate temporal, data type, content, and subject matter limitations on the examination of such devices.

(2) Defendants' motion, docket no. 73, to stay this matter, which is, in essence, joined by plaintiff, docket no. 77, is GRANTED. This case is hereby STAYED pending resolution of the qualified-immunity issue by the United States Court of Appeals for the Ninth Circuit. The trial date of April 22, 2024, the pretrial conference set for April 12, 2024, and all related deadlines are STRICKEN.

(3) Defendants' motions for partial summary judgment, docket no. 70, and to exclude the opinions of Dr. Glen Haas, docket no. 75, are STRICKEN without prejudice to refile, if appropriate, after the stay is lifted.

(4) The parties shall file a Joint Status Report within fourteen (14) days after the Ninth Circuit issues a decision or by December 30, 2024, whichever occurs earlier.

(5) The Clerk is DIRECTED to send a copy of this Minute Order to all counsel of record and to Senior Deputy Prosecuting Attorney Joseph Marchesano at the King County Prosecuting Attorney's Office, 516 Third Avenue, Seattle, WA 98104.

Dated this 14th day of February, 2024.

Ravi Subramanian

Clerk

s/Laurie Cuaresma

Deputy Clerk